

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 4:96-cr-00056-MR-1**

**UNITED STATES OF AMERICA**

**vs.**

**TIMOTHY LAMONT RUFF.**  

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**ORDER**

**THIS MATTER** is before the Court on the Defendant’s filing entitled “Addendum” [Doc. 129].

In the present filing, which the Court construes as a motion, the Defendant seeks relief under the Supreme Court’s recent decision in Johnson v. United States, 135 S.Ct. 2551 (2015). In so doing, the Defendant attacks the same criminal judgment which the Defendant challenged on direct appeal and through his six prior motions filed pursuant to 28 U.S.C. § 2255. The Defendant has provided no evidence that he has secured authorization from the Fourth Circuit to file a successive § 2255 motion. See 28 U.S.C. § 2255(h). Therefore, this Court is without jurisdiction to consider the merits of the present motion, and it will be dismissed. See United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003).

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability as the Defendant has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

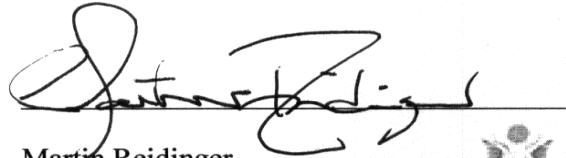
**IT IS, THEREFORE, ORDERED** that the Defendant’s filing entitled “Addendum,” which the Court construes as a motion [Doc. 129] is hereby **DISMISSED** as a successive petition under 28 U.S.C. § 2255.

**IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability.

The Clerk of Court is respectfully directed to provide a copy of this Order to the Government, the Defendant, and the Federal Defenders of Western North Carolina.

**IT IS SO ORDERED.**

Signed: May 3, 2016

  
Martin Reidinger  
United States District Judge

